



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 959

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 959 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 18c-4201, 18c-4203, and 18c-4204 as follows:

6 (625 ILCS 5/18c-4201) (from Ch. 95 1/2, par. 18c-4201)  
7 Sec. 18c-4201. Licensing cases.

8 (1) Scope of Section. The provisions of this Chapter  
9 relating to household goods carrier licensing apply to  
10 applications:

11 (a) For a license authorizing a carrier to operate as  
12 an intrastate household goods carrier;

13 (b) To transfer a certificate, permit, or license or to  
14 change the name on a certificate, permit, or license; and

15 (c) To convert household goods contract carrier  
16 authority to household goods common carrier authority.

1           (2) Form and content of household goods carrier licensing  
2 applications. Household goods carrier licensing applications  
3 shall be on such forms and contain such information as may be  
4 prescribed by the Commission, be verified under oath, and shall  
5 be accompanied by the required filing fee.

6           (3) Public notice of applications.

7           (a) Review of applications prior to publication. The  
8 Commission may provide for preliminary review of each  
9 application to determine if it is complete, if it gives  
10 adequate notice, and if the authority requested is  
11 unenforceably vague or otherwise contrary to the  
12 provisions of this Chapter.

13           (b) Authorization to submit application for  
14 publication. If the Commission determines after review  
15 that the application is defective in any respect, it shall  
16 promptly notify the applicant. No application shall be  
17 submitted to the official newspaper for publication until  
18 after it has been approved for publication, if the  
19 Commission has provided for preliminary review. If the  
20 Commission does not find that the application is defective,  
21 or if it finds that any defects have been removed by  
22 amendment, the applicant shall be permitted to submit the  
23 application to the official newspaper for publication. The  
24 Commission shall complete its review and notify the  
25 applicant within 15 days after filing of the application.

26           (c) Additional notice prescribed by the Commission.

1 The Commission may direct applicant to give such further  
2 notice in connection with its application as the Commission  
3 deems necessary. The Commission may, itself, give such  
4 additional notice as it deems necessary.

5 (4) Hearing on licensing applications.

6 (a) Participation at hearing. Any person having  
7 standing to participate under this Chapter may appear and  
8 participate in a hearing before the Commission to the  
9 extent of its standing, provided that the person has  
10 complied with Commission regulations concerning the filing  
11 of petitions for leave to intervene and like pleadings.  
12 Petitions for leave to intervene must be filed within 15  
13 days after publication, unless the Commission provides for  
14 filing at a later date. The Commission may permit  
15 additional persons to appear and participate, on such terms  
16 as the Commission shall prescribe, where such  
17 participation is deemed necessary to an informed and just  
18 resolution of the issues in the proceeding. ~~No shipper  
19 representative shall be permitted to testify in support of  
20 an application for a motor common carrier certificate or a  
21 motor contract carrier permit on the issue of need for  
22 service unless:~~

23 ~~(i) A supporting statement was filed on behalf of  
24 the shipper at least 10 days prior to the date of  
25 testimony; and~~

26 ~~(ii) If the supporting statement was not filed with~~

1           ~~the application, the statement was served on all~~  
2           ~~parties of record at least 10 days prior to the date of~~  
3           ~~testimony.~~

4           (b) Setting, notice, and hearing. Notwithstanding any  
5           contrary provisions in Section 18c-2101 of this Chapter, a  
6           hearing shall be held on each licensing application to  
7           determine that the requirements of this Chapter have been  
8           satisfied, except as otherwise provided in Section  
9           18c-4306 of this Chapter. The Commission shall set the  
10          hearing at a time not less than 15 days after publication  
11          in the official newspaper. The Commission shall serve  
12          notice of hearing on each party of record.

13          (c) Issuance of orders after hearing. The Commission  
14          may issue summary orders in cases where the licensing  
15          application was not opposed in a timely pleading addressed  
16          to the Commission, or was opposed in a timely pleading but  
17          such opposition was later withdrawn or the parties in  
18          opposition waived all right to other than a summary order.  
19          Summary orders shall be issued within 10 days after the  
20          close of oral hearing or such other period as the  
21          Commission may prescribe. Where a party requests, in a  
22          properly filed motion for reconsideration or rehearing, a  
23          detailed statement of findings and conclusions, the  
24          Commission shall vacate the summary order and issue a new  
25          order in accordance with Sub-chapters 1 and 2 of this  
26          Chapter. Otherwise, orders shall be issued in accordance

1 with provisions of Sub-chapters 1 and 2 of this Chapter.  
2 (Source: P.A. 89-444, eff. 1-25-96.)

3 (625 ILCS 5/18c-4203) (from Ch. 95 1/2, par. 18c-4203)  
4 Sec. 18c-4203. Household goods contract carrier permits.

5 (1) Prerequisite to operation as a household goods contract  
6 carrier. No person shall operate as a household goods contract  
7 carrier of property unless such person possesses a household  
8 goods contract carrier permit issued by the Commission and in  
9 good standing.

10 (2) Requirements for issuance.

11 (a) General requirements. The Commission shall grant  
12 an application for a household goods contract carrier  
13 permit, in whole or in part, to the extent that it finds  
14 that the application was properly filed; ~~supporting~~  
15 ~~shippers need the proposed service;~~ the applicant is fit,  
16 willing and able to provide the service in compliance with  
17 this Chapter, Commission regulations and orders; and  
18 issuance of the permit will be consistent with the public  
19 interest. Otherwise, the application shall be denied. The  
20 burden of proving that the requirements for issuance of a  
21 household goods contract carrier permit have been met shall  
22 be borne by the applicant.

23 (b) Conversion to household goods common carrier  
24 authority. The Commission may, at the request of the  
25 holder, authorize the conversion of household goods

1 contract carrier authority to household goods common  
2 carrier authority, subject to the same terms, conditions,  
3 limitations, and regulations as other household goods  
4 common carriers.

5 (c) Cancellation and non-renewal of contracts.  
6 Cancellation or non-renewal of a contract, or failure to  
7 keep on file with the Commission a copy of a valid  
8 contract, shall render a permit void with regard to the  
9 involved shipper.

10 (3) Duties and practices of household goods contract  
11 carriers.

12 (a) Services. Household goods contract carriers shall  
13 provide safe and adequate transportation service to their  
14 contracting shippers within the scope of their authorities  
15 and contracts and in compliance with this Chapter,  
16 Commission regulations and orders.

17 (b) Contracts. Each household goods contract carrier  
18 shall file with the Commission a copy of each contract  
19 executed under authority of its permit, and shall provide  
20 no service except in accordance with contracts on file with  
21 the Commission. The Commission may, at any time, reject  
22 contracts filed with it which do not comply with the  
23 provisions of this Chapter, Commission regulations and  
24 orders.

25 (Source: P.A. 89-444, eff. 1-25-96.)

1 (625 ILCS 5/18c-4204) (from Ch. 95 1/2, par. 18c-4204)

2 Sec. 18c-4204. Standards to be considered in issuing common  
3 and contract household goods carrier licenses. The Commission  
4 shall exercise its discretion in regard to issuance of common  
5 carrier of household goods or contract carrier of household  
6 goods licenses in accordance with standards enumerated in this  
7 Section.

8 (1) Standards relevant to both common and contract  
9 household goods carrier licenses. In determining whether to  
10 issue a common carrier of household goods certificate or a  
11 contract carrier of household goods permit under Sections  
12 18c-4202 and 18c-4203 of this Chapter, the Commission shall  
13 consider, in addition to other standards enumerated in this  
14 Chapter:

15 (a) (Blank) ~~The characteristics of the supporting~~  
16 ~~shipper or shippers transportation needs, including the~~  
17 ~~total volume of shipments, the amounts handled by existing~~  
18 ~~authorized carriers and others, the amounts which would be~~  
19 ~~tendered to the applicant, the nature and location of~~  
20 ~~points where traffic would be picked up and delivered, and~~  
21 ~~any special transportation needs of the supporting shipper~~  
22 ~~or shippers or their receiver or receivers;~~

23 (b) The existing authorized carriers' services,  
24 including the adequacy of such services and the effect  
25 which issuance of a new certificate or permit would have on  
26 such services;

1           (c) (Blank) ~~The proposed service, and whether it would~~  
2 ~~meet the needs of the supporting shipper or shippers;~~

3           (d) Any evidence bearing on the fitness, willingness,  
4 or ability of the applicant, including but not limited to  
5 any past history of violations of this Chapter, Commission  
6 regulations or orders, whether or not such violations were  
7 the subject of an enforcement proceeding; and

8           (e) The effect which issuing the certificate or permit  
9 would have on the development, maintenance and  
10 preservation of the highways of this State for commercial  
11 and other public use.

12           (2) Additional standards relevant to household goods  
13 contract carrier licenses. In determining whether to issue a  
14 household goods contract carrier permit under Section 18c-4203  
15 of this Chapter, the Commission shall consider, in addition to  
16 standards enumerated in subsection (1) of this Section or  
17 elsewhere in this Sub-chapter:

18           (a) Whether the proposed service is contract carrier  
19 service; and

20           (b) The effect which failure to issue the permit would  
21 have on the supporting shipper or shippers.

22           (3) Standards not relevant to either household goods common  
23 or household goods contract carrier licenses. In determining  
24 whether to issue a household goods common carrier certificate  
25 or a household goods contract carrier permit under Sections  
26 18c-4202 and 18c-4203 of this Chapter, the Commission shall not

1 consider:

2 (a) The mere preference of the supporting shipper or  
3 shippers or their receiver or receivers for the applicant's  
4 service; or

5 (b) Any illegal operations of the applicant as evidence  
6 of shipper need or the inadequacy of existing carriers'  
7 services.

8 (Source: P.A. 89-444, eff. 1-25-96.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".